

***EXHIBIT "A"***

**ALARM SYSTEMS**

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## Section 1 – Purpose

- (a) The purpose of this Ordinance is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms.
- (b) This Ordinance governs alarm systems intended to summon law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.

## Section 2 – Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm dispatch request* means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular alarm site.

*Alarm installation company* means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., do-it-yourselfers).

*Alarm notification* means a notification intended to summon the police that is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

*Alarm permit* means authorization granted by the alarm administrator to an alarm user to operate an alarm system.

*Alarm site* means a single premises or location (one street address) served by an alarm system or systems that are under the control of one owner. Each unit, if served by a separate alarm system in a multiunit building or complex, shall be considered a separate alarm site.

*Alarm system* means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon police or fire services of the city, including, but not limited to, local broadcast alarms. The term "alarm system" does not include:

- (1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or

- (2) An alarm designed to alert only the inhabitants of a premise which does not have a local broadcast alarm.

*Alarm user* means any person who has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who owns or operates an alarm system which is not monitored, maintained or repaired under contract.

*Alarm user awareness class* means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

*Appeal process* means the process that a permit holder aggrieved by a decision must make by filing a formal request in writing to the city secretary requesting a change in, or confirmation of, that decision made regarding an alarm issue must follow to appeal the decision of the chief.

*Arming station* means a device that allows control of an alarm system.

*Automatic voice dialer/automatic alarm notification* means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency requesting dispatch.

*Burglar alarm notification* means the notification intended to summon police, which is initiated or triggered manually or by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

*Cancellation* means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement agency that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

*Certificate of compliance* means a written certification from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company or law enforcement agency.

*Chief* means the chief of police or designated representative of the City of Shepherd.

*City* means the City of Shepherd, Texas.

*City council* means the governing body of the City of Shepherd.

*City mayor* means the Shepherd city mayor of the city or his authorized representative who shall not be a police officer or a firefighter of the city.

*Duress alarm* means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

*False alarm notification* means an alarm dispatch request to a law enforcement agency when a response is made by the law enforcement agency within 30 minutes of the alarm dispatch request and the responding law enforcement officer finds from an inspection of the interior and/or exterior of the alarm site no evidence of a criminal offense or attempted criminal offense.

*Holdup/robbery alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

*Law enforcement authority* means the city of Shepherd Police Department.

*License* means a license issued by the state department of public safety private security bureau to an alarm installation company and monitoring company to sell, install, monitor, repair, or replace alarm systems.

*Local broadcast* means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure.

*Monitoring* means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the city for the purpose of summoning law enforcement to the alarm site.

*Monitoring company* means a person in the business of providing monitoring services.

*Offense* means operating an alarm system without a valid permit, which shall include a revoked permit.

*Panic alarm* means an audible alarm generated by the deliberate activation of a panic device.

*Permit holder* means the person designated in the application as required in section 3 who is responsible for responding to alarms and giving access to the site and who is responsible for proper maintenance and operation of the alarm system and payment of fees.

*Person* means an individual, corporation, partnership, association, organization or any legal entity.

*Responder* means an individual capable of reaching the alarm site within 30 minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

*Verify* means an attempt by the monitoring company or its representative to contact the alarm site and/ or alarm user by telephone, whether or not actual contact with the person is made,

to determine whether an alarm signal is valid before requesting law enforcement dispatch following the alarm verification and notification procedure.

### **Section 3 - Permit required.**

- (a) A person commits an offense if the person intentionally or knowingly operates or causes to be operated an alarm system without an alarm permit issued by the city secretary. An alarm permit is not valid if it has been denied or revoked, has not been renewed or has expired. A separate permit is required at each alarm site.
- (b) It is a defense to prosecution under subsection (a) of this section that the person obtained a permit to operate the alarm system within 30 days of an alarm notification.
- (c) A \$10 fee shall be charged for the issuance of each residential permit and a \$30 fee for each business permit.
- (d) Upon receipt of the required administrative fee and completed application form, the city secretary shall issue an alarm permit unless:
  - (1) There is cause to believe the equipment responsible for initiating an alarm will not be maintained and operated in accordance with this Ordinance;
  - (2) The applicant will not comply with any provision of this Ordinance; or
  - (3) A previous alarm permit was revoked or suspended after eight or more false alarms during the preceding 12-month period.
- (e) A permit holder shall notify the city secretary of any changes to name, address or phone number of such holder no later than thirty (30) days after the change.

### **Section 4 - Permit application.**

Each alarm permit application must contain the following information and be complete, true and accurate in its entirety:

- (a) The name, address, and telephone number of the permit holder who will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this Ordinance;
- (b) The names and telephone numbers of an alarm system permit holder or of two persons who are able to and have agreed to:
  - (1) Receive notification at any time;
  - (2) Come to the alarm site within 30 minutes after receiving a request to do so from the police department; and
  - (3) Grant access to the alarm site and to deactivate the alarm system, if necessary;
- (c) Classification of the alarm site as either residential or commercial; including, where the alarm site is an apartment, the building number, and the apartment number, if so numbered;

- (d) The name and telephone number of the alarm system monitoring company that has agreed to receive calls for the permitted alarm system, if applicable;
- (e) For each alarm system located at the alarm site the purpose of the alarm system (i.e., burglary, robbery, or personal hostage); and
- (f) Other information required by the chief which is necessary for the enforcement of this Ordinance.

**Section 5 - Transferability of permit; false statements.**

- (a) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.
- (b) An alarm permit cannot be transferred to another permit holder except by authorization of the chief of police. A permit holder shall inform the chief of any changes that alters any information listed on the permit application within thirty (30) calendar days. No fee will be assessed for such changes.
- (c) A permit holder shall cancel a permit for any alarm system which is removed from an alarm site or which otherwise ceases to come under the permitting requirements of this Ordinance. Cancellation may be accomplished by returning the permit to the city secretary.
- (d) All fees owed by an applicant must be paid before a permit may be issued or renewed.
- (e) No alarm permit shall be required for city, school district, state, county and federal government entities.

**Section 6 - Permit duration and renewal.**

An Alarm Permit shall expire twelve (12) months from the date of issuance, and must be renewed annually by submitting an updated application and a registration renewal fee. It is the permit holder's responsibility to renew the alarm permit prior to the expiration date. A non-refundable application fee of \$10.00 for a residential permit and \$30.00 for a commercial permit is required for issuance of an alarm permit.

**Section 7 – Penalties related to false alarms and noncompliance.**

- (a) If an alarm system transmits more than three false burglar alarms or fire alarm notifications within a 12-month period, the permit holder shall pay a service fee for the fourth and each subsequent false burglar alarm notification according to the fee schedule shown below:

Residential Alarms

- (1) For each response for the first through the 3rd ..... No Fee
- (2) For each response after the 3rd through the 5th ..... \$25.00

- (3) For each response after the 5th through the 8th..... \$50.00
- (4) For each response after the 8th..... \$100.00

Commercial Alarms

- (1) For each response for the first through the 3rd ..... No Fee
- (2) For each response after the 3rd through the 5th ..... \$50.00
- (3) For each response after the 5th through the 8th ..... \$75.00
- (4) For each response after the 8th..... \$100.00

- (b) If an alarm system transmits more than two false panic alarm notifications within a 12-month period, the permittee shall pay the maximum service fee permitted by state law, but not more than \$100, for the third and each subsequent false panic alarm notification.
- (c) A tenant holding an individual alarm permit shall pay a false alarm notification fee related to a transmission from the alarm system in the tenant’s unit.
- (d) The permittee holding the master alarm permit holder shall pay a false alarm notification fee related to a transmission from an unoccupied unit or a unit for which a tenant has not obtained an individual alarm permit.
- (e) The Chief of Police may investigate and waive payment of a service fee assessed under this section, which is later shown to have been, in the chief’s sole determination, justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the chief.
- (f) A permit holder shall pay a fee assessed under this section within 30 days of the date of notice of such fee. If the fee is not paid within 30 days, a late fee will be added to the fee in an amount equal to ten percent of the fee.
- (g) A monitoring company shall pay a fee of \$25.00 for failing to provide accurate information to the city.
- (h) An alarm user shall pay a fee of \$50.00 for failure to provide a responder within 30 minutes when requested by a member of law enforcement authority.
- (i) If the city receives notice of cancellation of the alarm dispatch request prior to law enforcement arriving at the alarm site, such request shall not be considered to be a false alarm for the purposes of this Ordinance.
- (j) If law enforcement takes longer than 30 minutes to respond to the alarm dispatch request, the request is not considered a false alarm for the purposes of this Ordinance.
- (i) The city secretary may assess a fee of \$50.00 for any violation of section 3(e).

**Section 8 – Proper alarm system operation and maintenance.**

A permit holder or person in control of an alarm system shall:

- (a) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;
- (b) Maintain the alarm system in a manner that will minimize false alarm notifications;
- (c) Respond or cause a representative to respond within a reasonable period of time, not to exceed thirty minutes, when notified by the city to repair or deactivate a malfunctioning alarm system or to provide security for the premises, or provide access to the premises, if necessary;
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report; and
- (e) Notify the police department prior to activation of an alarm for maintenance purposes.
- (f) Shall notify the city if the permit holder relinquishes control of the alarm site and cancels the permit. If a permit holder fails to notify the city under this section, the permit holder shall pay fees associated with the permit, if any.

**Section 9 - Audible or local broadcast alarms.**

- (a) A permit holder or person in control of an alarm system that utilizes a local broadcast alarm shall adjust the mechanism or cause the mechanism to be adjusted so that upon activation an alarm signal shall broadcast for no longer than 30 minutes after being activated.
- (b) A permit holder or person in control of an alarm system that utilizes a local broadcast alarm shall adjust the mechanism or cause the mechanism to be adjusted so that upon activation the local alarm will not transmit another alarm signal without first being manually reset.

**Section 10 – Alarm reset.**

A permit holder of an alarm system that utilizes a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the local alarm will not transmit another alarm signal without first being manually reset.

**Section 11 - Indirect alarm reporting.**

A person who is engaged in the business of relaying alarm notifications to the city shall:



- (a) Communicate alarm notifications to the city in a manner and form determined by the chief;
- (b) Comply with the requirements of this Ordinance;
- (c) Provide a local or toll free call-back telephone number when requested by the law enforcement authority;
- (d) Contact a representative of the alarm site when requested by the law enforcement authority; and
- (e) Be licensed by the state board of private investigators and private security agencies.

**Section 12 – Reporting of alarm through relaying intermediary.**

A permit holder shall not report an alarm signal through a relaying intermediary that does not meet the requirements of this Ordinance and any rules and regulations promulgated by the chief, is not licensed by the Texas Department of Public Safety, Private Security Board or is not the owner of the property.

**Section 13 - Direct alarm reporting; automatic alarm notification prohibited.**

An alarm system which transmits automatic alarm notifications directly to the police department on any line other than a line designated by the chief for such calls shall be prohibited.

**Section 14 – Monitoring procedures.**

Any monitoring company engaged in the business of monitoring alarm systems in the city shall:

- (a) Report alarm signals only using telephone numbers designated by the chief;
- (b) Before requesting police response to an alarm signal, attempt to verify every alarm signal, except a duress, robbery, or panic alarm activation, with the owner/occupant of the alarm site at least twice unless secondary information is received that increases the potential validity of the burglar alarm. Secondary information may include, but is not limited to:
  - (1) Alarm monitors that provide further information that a crime is in progress or the burglary alarm dispatch request is valid (audio, video, etc.);
  - (2) Witness reports that a crime has occurred or is in progress that corroborates the burglary alarm dispatch request, e.g., a citizen, monitoring company personnel or a private guard;

- (3) Multiple activations of different devices or zones at the same location, during the same incident, for example both the window alarm and a motion detector are activated inside the alarm site;
- (4) Any other events or circumstances that indicate, in the chief's sole opinion, that the burglary alarm dispatch request may be valid;
- (c) When reporting an alarm signal to the city, provide the alarm permit number and address of the alarm site from which the alarm notification originated;
- (d) Provide to the law enforcement agency, concurrently with reporting the alarm dispatch request, information indicating compliance with subsection (2) of this section; and specifically information indicating any failure by the monitoring company to verify the alarm signal after at least two attempts; and upon receipt of such information, the police shall respond; and
- (e) Communicate alarm notifications to the city in a manner determined by the chief.

**Section 15 - Alarm system operating instructions.**

A permit holder shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords must be included in these instructions.

**Section 16 – Duties of an alarm company.**

- (a) An alarm installation company shall confirm that a valid alarm permit has been issued by the city for an alarm site before performing any system conversion at the site.
- (b) An alarm installation company that has a contract with a permit holder or person in control of an alarm system shall send a certification to the chief within 30 days of performing or causing the performance of an alarm system installation or conversion.

The certificate must state:

- (1) The date of installation or conversion of the alarm system, whichever is applicable;
- (2) The name, address, telephone number, and current state license number of the alarm installation company providing the alarm system installation or conversion;
- (3) The name, address, telephone number, and current state license number of the monitoring company providing monitoring for the alarm system if

different from the alarm installation company under contract to provide installation or conversion for the alarm system;

- (4) That a complete set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms has been left with the occupant; and
- (5) That the alarm installation company has trained the occupant in the proper use of the alarm system, including instructions on how to avoid false alarms.

### **Section 17 – Grounds for denial of a permit or revocation.**

(a) Grounds for denial of an alarm permit.

- (1) The city secretary shall issue an alarm permit to the applicant unless one or more of the following conditions are present:
  - A. The applicant fails to provide all of the information requested on the application or submits an incomplete application;
  - B. The applicant gives false, misleading or untrue information of material fact on the application;
  - C. The operation, as proposed by the applicant, would not comply with all applicable laws, including, but not limited to, this Ordinance or the city building, zoning or health codes; or
  - D. The applicant has failed to pay the application fee assessed pursuant to this Ordinance that is due and owing.
- (2) Denial of an alarm permit shall be effected by written denial, setting forth the grounds for denial and mailed to the applicant by depositing the notice in the United States Mail, addressed to the applicant with first class postage prepaid.

(b) Grounds for revocation of an alarm permit.

- (1) The city may revoke an alarm permit if the chief determines that:
  - A. The permit holder or his/her designated agent has given false, misleading or untrue information of material fact in any record or report required by this Ordinance;
  - B. The permit holder fails to maintain the alarm system in accordance with the requirements of this Ordinance;

- C. The operation of the alarm system by the permit holder has demonstrated a history of unreliability, as set forth in this Ordinance; or
  - D. There have been eight (8) or more false alarms during the preceding 12 month period.
- (2) A person commits an offense if he operates an alarm system during the period in which his/her alarm permit has been revoked.
- (c) Grounds for non-renewal of an alarm permit.
- (1) The alarm system has a history of unreliability and the applicant has failed to make alterations or corrections to the system to reasonably assure abatement of false alarms. Any alarm system generating eight (8) or more false alarm notifications within a 12-month period shall be presumed unreliable; and the alarm permit shall be revoked or suspended, after the city provides 30 days written notice to the permit holder, until the permit holder has:
    - A. Attended an alarm awareness class, as approved by the chief;
    - B. Provided a certificate of compliance; and
    - C. Paid a \$100.00 reinstatement fee.
- (d) A person commits an offense if he/she operates an alarm system during the period in which his/her alarm permit has not been renewed.

**Section 18 – Reinstatement of a permit.**

- (a) In the event a person's alarm permit has been revoked, the person may have the permit reinstated if the person:
  - (1) Submits an updated application and pays a \$100.00 permit reinstatement fee in accordance with this Ordinance;
  - (2) Attends an alarm awareness class; and
  - (3) Presents a certificate of compliance
- (b) An alarm permit that has been reinstated shall expire on the same date it was originally set to expire, one year from date the original alarm permit was issued.

**Section 19 - Appeal from administrative sanction or denial or revocation of permit.**

- (a) The applicant or permit holder may appeal the decision of the chief to revoke a permit or any fee determination to the city mayor by paying an appeal fee of \$25.00 and filing with the city secretary a written request for a hearing, setting forth the reasons for the appeal, within 15 days after receipt of the notice of the administrative decision. The filing of a request for an appeal hearing with the city mayor or his designated representative will stay the revocation of the permit until the appeal decision. If a request for an appeal hearing is not made within the 15-day period, the action of the city is final. Appeal fees will be returned if the decision is overturned.
- (b) If the city refuses to issue or renew a permit, or revokes a permit, the city secretary shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of its action and a statement of the right to an appeal.
- (c) The city mayor shall set a time and place for the hearing which shall be served upon the applicant or permit holder by certified mail, return receipt requested. The city mayor or his representative shall serve as hearing officer at an appeal hearing and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. All parties to the hearing shall have the right to present evidence and shall have the right to cross examination. The hearing officer shall make his decision on the basis of preponderance of the evidence within 15 days after the request for an appeal hearing is filed. The time for hearing an appeal may be extended by agreement of the parties. The hearing officer shall affirm, reverse, or modify the action of the chief or city secretary.
- (d) The applicant or permit holder may appeal the decision of the hearing officer to the city council within 15 days of the decision. The city council at this next meeting may consider the evidence of any interested person. The decision of the city council is final as to administrative remedies with the city.
- (e) Notice of the city's actions shall be presumed to have been properly given and received if such nature has been sent in writing, certified mail, to the last known mailing address of the permit holder.

**Section 20 – Notification.**

The alarm user shall be notified in writing after each false alarm. The notification shall include (1) notice that the alarm user can attend alarm user awareness class to waive one false alarm violation, (2) the fact that a permit may be revoked or not renewed after the eighth (8) false alarm and (3) a description of the appeal procedure available to the alarm user.

The alarm user and the alarm installation company or monitoring company will be notified in writing 30 days before an alarm permit is to be suspended. A notice of alarm permit suspension may be combined with a false alarm notice. This notice of alarm permit suspension will also include a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

**Section 21. - Alarm dispatch records.**

- (a) The law enforcement dispatcher receiving the alarm notification and/or the peace officer responding to a dispatch resulting from a burglary, personal hostage or robbery alarm notification shall cause to be recorded in the police information systems such information as necessary to permit the chief to maintain records, including but not limited to the following information:
  - (1) Identification of the permit holder;
  - (2) The alarm permit number
  - (3) Identification of the alarm site;
  - (4) Dispatcher received time, dispatch time and arrival time;
  - (5) Date of occurrence;
  - (6) The disposition of the alarm call; and
  - (7) The name of the permit holder's representative on premises, if any.
- (b) The responding peace officer shall prepare and submit the appropriate reports in regard to any criminal offenses, attempted offenses or other incidents which contributed to the alarm notification as determined by investigation.

**Section 22. - System performance reviews and consultations.**

- (a) If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the chief may require a conference with an alarm permit holder to review circumstances of each false alarm.
- (b) If there is reason to believe that a false alarm notification is the result of circumstances beyond the reasonable control of the permit holder, the permit holder or the permit holder's representative may provide proof of such circumstances to the chief to avoid false alarm fees, revocation or non-renewal of the alarm permit.
- (c) If the chief determines that an alarm is the result of circumstances within the reasonable control of the permit holder, and there have been more than eight (8) false alarms, in the preceding 12 month period the chief may revoke the alarm permit. The permit holder or the permit holder's representative may appeal the chief's decision as set out in the appeal process in section 19.

**Section 23 – Violations; penalty.**

- (a) An alarm installation company, a monitoring company, an alarm permit holder or a person in control of an alarm system commits an offense if he violates any provision of this Ordinance.
- (b) Unless otherwise specifically set forth herein, allegation and evidence of culpable mental state are not required for the proof of an offense of this Ordinance.
- (c) A person who violates a provision of this Ordinance is guilty of a separate offense for each day or portion of a day during which the violation committed, continued or permitted, and each offense is punishable by a fine not to exceed five hundred dollars (\$500.00) as follows:
  - (1) A minimum fine of \$200.00 for the first conviction; and
  - (2) A minimum fine of \$250.00 for the second through fifth conviction; and
  - (3) A minimum fine of \$400.00 for each conviction after the fifth conviction.
- (d) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Ordinance to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership or other association, and within the scope of his employment.

**Section 24 – Confidentiality.**

In the interest of public safety, subject to the provisions of V.T.C.A., Government Code Ch. 552, information contained in and gathered through the alarm permit applications, records relating to alarm dispatch requests and applications for appeals shall be held in confidence by all employees or representatives of the city and by any third-party administrator or employees of a third-party administrator with access to such information. This information shall not be subject to public inspection. Public interest is served by not disclosing said information to the public and clearly outweighs the public interest served by disclosing said information.

**Section 25 – Government immunity.**

The issuance of an alarm permit and/or the provisions set forth in this Ordinance are not intended to, nor do they create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of police units or other law enforcement units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

**Section 26 - Testing; other violations.**

- (a) A person commits an offense if, without prior written consent of the chief, the person tests or demonstrates the alarm system and transmits or causes to be transmitted an emergency message to the police department.
- (b) A person commits an offense if the person knowingly or recklessly fails to repair an alarm permitted under this Ordinance.
- (c) A person commits an offense if the person knowingly or recklessly fails to attend the scene of an alarm activation within the time period set forth herein after actual notice has been given to the person designated to enter and control such premises.